



Via ECF

July 19, 2024

Hon. Thomas W. Thrash, Jr.
2188 Richard B. Russell Federal Bldg.
and United States Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303-3309

Re: *In re: Consumer Vehicle Driving Data Tracking Collection*, Case No. 1:24-md-03115-TWT (N.D. Ga.)

Dear Judge Thrash:

Pursuant to Case Management Order No. 1, I respectfully submit my application to serve as lead or co-lead, or alternatively for a Plaintiffs' Steering Committee ("PSC") position, for the LNRS/Verisk track in the *In re: Consumer Vehicle Driving Data Tracking Collection*, MDL No. 3115. In support of my application, I provide the following summary of my pertinent professional experience:

1. Involvement in This Litigation to Date and Support for Proposed Leadership Structure

I have been involved in this litigation since the beginning. My firm filed the second case to be brought in the country against GM, OnStar, and LNRS. *See DiNardo v. General Motors LLC, et al.*, No. 3:24-cv-00524 (M.D. Pa.) (filed March 28, 2024). Dozens of similar, frankly copy-cat, complaints were filed after I filed the *DiNardo* matter.

I also filed the first case against Kia (part of the Hyundai motor family) and LNRS concerning similar alleged conduct. *See Vaughn v. Kia America, Inc., et al.*, No. 2:24-cv-01473 (E.D. Pa.). While the JPML declined to presently include claims against non-GM manufacturers, the Panel invited a separate motion or petition to centralize and add claims against other manufacturers such as Hyundai and Kia. *See* 6/7/24 Transfer Order, MDL No. 3115, Dkt. No. 145,

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at 2. Our firm is presently evaluating whether or not to seek the addition of such claims to this MDL or to maintain them separately.

I fully support the anticipated two-track leadership structure, with separate, parallel tracks focusing on GM/OnStar and LNRS/Verisk. Since centralization, I have participated in the joint planning for the plaintiff side, and attended the initial conference Your Honor held on July 9, 2024. While part of plaintiff side efforts to date, I have not yet had an opportunity to finalize a broader leadership slate with others, which is why I submit my application separately. However, if appointed, I look forward to working with the other very capable plaintiff's counsel in this matter.

2. Professional Experience in this Type of Litigation

I am a founding partner of Honik LLC, formerly Golomb & Honik, P.C., a Philadelphia based law firm specializing in complex litigation, with an emphasis on consumer class actions and pharmaceutical litigation. *See* Ex. A hereto (firm overview and biography of Ruben Honik). I have nearly forty five (45) years of experience, and have served as Past President of the Pennsylvania Trial Lawyers Association and the Philadelphia Trial Lawyers Association. I have been fortunate to have served or to be court- appointed to leadership positions (Lead, Co-Lead, Executive or Steering Committees) in numerous MDLs, both class and individual actions, and other complex litigation including: *In re: Chantix (Varenicline) Marketing, Sales Practices and Products Liability Litigation (No. II)*, 22-MD-3050 (S.D.N.Y.); *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*, No. 1:18-md-2875 (D.N.J.); *In re Metformin Marketing and Sales Practices Litigation*, No. 2:20-cv-02324 (D.N.J.); *In re Intuniv Antitrust Litigation*, No. 16-cv-12395 (D. Mass.); *Barba, et al. v. Shire US, Inc., et al.*, No. 11-cv-21158 (S.D. Fla.); *In re Checking Account Overdraft Litigation*, MDL No. 2036 (S.D. Fla.). *See also* Ex. A. Many of these

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matters and others listed in Exhibit A involve thousands of individually filed cases, often against multiple defendants in the Fortune 100. My roles have varied from co-lead counsel to co-lead trial counsel, to lead on various substantive briefing, expert, or discovery issues. In particular, the *In re Checking Account Overdraft Litigation* focused on very complex electronic data systems, which likely will be implicated here.

Since the inception of my professional career, I also have represented, and continue to represent, individuals in major or catastrophic personal injury matters. I have been fortunate enough to try dozens of such cases to verdict on behalf of my clients.

3. Willingness and Ability to Commit to a Time-Consuming Process

Having served in leadership and team-member roles in prior MDLs, I am well-aware of the demands and trajectory of a large, complicated MDL such as this one entails. I enthusiastically stand ready to fully commit myself and my firm to working cooperatively alongside colleagues of the plaintiffs' bar to help navigate this MDL to a positive resolution for the many affected individual consumers.

4. Ability to Work Cooperatively with Others

Both myself and my firm endeavor to work cooperatively and collegially with fellow plaintiffs' of the plaintiffs' and defense bars. Multi-district litigation requires a commitment to collaboration, teamwork, professionalism, and pragmatism. Throughout my career, I have made it a point to work towards an achievable result for the plaintiff side, whether that be my stepping up to assume a leadership role, or serving as a team player. My firm includes attorneys who have worked on both the plaintiff and defense sides, which affords us insights to the challenges and

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views of our adversaries. We maintain courteous, professional relationships with colleagues and opponents alike.

5. Access to Sufficient Resources to Advance the Litigation in a Timely Manner

I am fully committed to taking responsibility as a member of the PSC, LNRS/Verisk track (or alternatively, the GM/OnStar track). In addition to my personal commitment, my law firm, Honik LLC, is fully committed to providing the necessary time and economic resources needed for such a role. Honik LLC currently represents dozens of plaintiffs whose driving data was collected by GM and OnStar, and brokered by LNRS or Verisk. My firm has already committed substantial time, resources, and effort to this litigation, including the filing of one of the first related cases, *DiNardo v. General Motors LLC, et al.*, No. 3:24-cv-00524 (M.D. Pa.) (filed March 28, 2024).

Based on the foregoing, I respectfully request consideration to serve as lead or co-lead, or alternatively for a Plaintiffs' Steering Committee ("PSC") position, for the LNRS/Verisk track.

Respectfully,

/s/ Ruben Honik
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Counsel for Plaintiff DiNardo

cc: All Counsel of Record (via ECF)